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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,716	10/29/2003	Anne Louise Miller	1443.015US2	5586
21186	7590	08/01/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/695,716	MILLER, ANNE LOUISE
	Examiner Sameh H. Tawfik	Art Unit 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 July 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 11-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade (U.S. Patent No. 5,378,066) in view of Chalin et al. (U.S. Patent No. 3,873,735).

Wade discloses a method for providing an enhanced opening system for a sealed container comprising: providing a bag having lines of weakness (Figs. 19-20D) and a pull-tab opener secured to the bag proximate to the lines of weakness (Figs. 19-20D; via 410), the pull-tab opener having a pull-tab opening integral therewith, wherein the pull-tab opening is a hole desired to be hooked with hooking means (Figs. 19-20D; via through opening/hole 420).

Wade does not disclose the step of providing suitable markings to convey instructions to the pull on the pull-tab opener to access the contents within the sealed container without utilizing a pinch force, wherein the sealed container is adapted to be opened easily with the pull tab opener by a person who follows the instructions conveyed by the markings.

However, Chalin discloses a similar method for providing an opening system for container comprising the step of providing suitable markings via words to convey instructions to pull on the pull-tab opener to access the package contents without utilizing a pinch force, wherein the package is adapted to be opened easily by a person who follows the instructions

conveyed by the markings (Figs. 26-28; via the printed instructions on the bag explaining how to open such bag through opening hole 824).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Wade's method by having the step of providing suitable markings to convey instructions to pull on the pull tab opener to access package contents, as suggested by Chalin, in order to make it easy and simple opening and handling such containers (column 3, lines 39-41).

Regarding claims 13, 14, 16, 39, and 40: Wade discloses that the pull-tab opener is a reusable pull-tab opener with reusable securing means (Figs. 16-20D; via peal off glue 411).

Regarding claim 22: Wade discloses that the package contents comprise at least one product disposed within the sealed container, (Figs. 19-20D; via 402).

Regarding claims 23-25: Wade does not disclose that the product is a disposable absorbent garment, selected from diaper, training pants, adult incontinence garment and feminine napkin.

However, the examiner takes an official notice that packaging such product such as disposable absorbent garment, selected from diaper, training pants, adult incontinence garment and feminine napkin in bag is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Wade in view of Chalin's method by inserting any of disposable absorbent garment, selected from diaper, training pants, adult incontinence garment and feminine napkin in the bag, as a matter of engineering design choice, specially Wade's bag is capable of packaging such articles.

Regarding claim 26: it is inherent that Wade's package is capable of containing articles of different types and sizes.

Regarding claim 27: Wade discloses that the bag and pull-tab opener are made from a polymeric plastic film, paper or paper composite and pull-tab opening is a finger sized opening (Figs. 19-20D and column 8, lines 39-50).

Regarding claim 28: Wade discloses that the hooking means comprises one to three fingers or an object, the object having a maximum diameter not greater than about eight cm, (Figs. 19-20D; via holes 420).

Regarding claim 29: Wade discloses that the lines of weakness are torn and an opening is created when the pull-tab opener is pulled (Figs. 20A-20D).

Regarding claim 30: Wade discloses that the package contents (402) are oriented proximate to the opening to facilitate easy removal.

Regarding claims 19 and 31: Wade discloses that wherein at least a portion of the lines of weakness form a V-shape having a perforation junction or a U-shape (Fig. 19; via 412 and 414), wherein the U-shape has two substantially parallel lines of perforations and a slit or third line of perforations located substantially perpendicular to and in between the two substantially parallel lines of perforations at one end (Fig. 19).

Regarding claim 32: Wade discloses that the portion of the lines of weakness form the V-shape (Fig. 19; via upper portion of 414 in V-shape).

Regarding claim 33: Wade discloses that a portion of the lines of weakness form the U-shape and the reusable pull-tab opener covers the two substantially parallel line of perforations (Fig. 9; via 412).

Regarding claims 17 and 34: Wade discloses that the package is comprised of six panels arranged in a rectangular configuration and the substantially parallel lines of perforations extend across a portion of two adjacent panels, see for example (Figs. 19-20D).

Regarding claims 18 and 35: Wade discloses that the package is comprised of six panels arranged in a rectangular configuration and the substantially parallel lines of perforations are contained on a single panel, see for example (Figs. 19-20D).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721



ST.